

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BLUEFIELD

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 1:22-00206

KALEB MERRITT

**MEMORANDUM OPINION AND ORDER**

Pending before the court is the motion of defendant for a continuance of trial and case related action in this matter. (ECF No. 18.) In support of defendant's motion, counsel for defendant explains that additional time is needed to the review discovery and conduct necessary investigation and research prior to determining what, if any, pretrial motions need to be filed. The government does not oppose defendant's motion.

Because failure to grant the requested continuance would likely result in a miscarriage of justice, the court finds that the ends of justice outweigh the interest of the defendant and the public in a speedy trial, see 18 U.S.C. § 3161(h)(7)(A), and **GRANTS** defendant's motion to continue. In deciding to grant defendant's motion, the court considered the factors outlined in 18 U.S.C. § 3161(h)(7)(B) and finds that denying the motion "would deny counsel for the defendant . . . the reasonable time necessary for effective preparation, taking into account the exercise of due diligence." Id. § 3161(h)(7)(B)(iv).

Accordingly, the court hereby **ORDERS** as follows:

1. The deadline for the filing of pretrial motions is continued to November 1, 2023;
2. The Pretrial Motions Hearing is continued to November 13, at 4:00 p.m. in Bluefield;
3. Jury Instructions and Proposed Voir Dire are due by November 28, 2023;
4. Trial of this action is continued to December 5, 2023, at 9:30 a.m. in Bluefield; and
5. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the time from the filing of the motion until the trial is excludable for purposes of the Speedy Trial Act.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to all counsel of record, to the United States Marshal for the Southern District of West Virginia, and to the Probation Office of this court.

**IT IS SO ORDERED** this 22nd day of September, 2023.

ENTER:

A handwritten signature in cursive script, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge